

### **REMARKS/ARGUMENTS**

In response to the Examiner's further Office Action of July 5, 2007 issued with respect to the present RCE application, the Applicant respectfully submits the accompanying terminal disclaimer and Amendment of the claims, and the below Remarks.

#### ***Regarding Amendment***

In the Amendment:

dependent claims 2, 20 and 39 are amended to replace "as" with --has--;

dependent claims 15, 34 and 51 are amended to replace "nozzle chambers" with --bubble forming chambers--; and

claims 1, 3-8, 10-14, 16-19, 21, 22, 24-27, 29-33, 35-38, 40-44, 46-50 and 52-54 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

#### ***Regarding Claim Objections***

It is respectfully submitted that the above-discussed amendments of claims 2, 15, 20, 34, 39 and 51 provide the corrections required by the Examiner

#### ***Regarding Double Patenting Rejections***

With respect to the Examiner's provisional non-statutory double patenting rejections the indicated claims of copending Application No. 10/773,183 in view of previously cited Campbell, the Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c); the present application and Application No. 10/773,183 being commonly owned by the Applicant.

#### ***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of pending independent claims 1, 19 and 38, and the claims dependent therefrom, is not taught or suggested by previously cited Campbell in view of newly cited Sakurai et al. (US 5,206,659) and/or previously cited Moon, Silverbrook, Kubby and De Moor, for at least the following reasons.

Pending independent claims 1, 19 and 38 clearly recite that the bubble nucleation section is heated, before "the rest of" the heater element is heated. Accordingly, it is clear that the entire heater element is heated in the claimed invention with a portion of the heater element being configured to heat first.

On the other hand, Sakurai (which is cited by the Examiner as purportedly disclosing a bubble nucleation section like that of the claimed invention) merely discloses a heating arrangement 50 which has a heating element 56 formed between electrodes 58a and 58b (see col. 4, lines 45-50 and Fig. 5(A) of Sakurai).

Thus, contrary to the Examiner's contentions, the heating element 56, not the heating arrangement 50, of Sakurai would correspond to the complete heater element of the claimed invention. Thus, since there is no further disclosure in Sakurai of further configuration a smaller-cross sectioned bubble nucleation section within the heating element 56, no combination of Sakurai and Campbell, Moon, Silverbrook, Kubby and De Moor would result in the claimed invention.

It is respectfully submitted that all of the Examiner's objections and rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant:



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